

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEFFREY RUSSELL,

Plaintiff,

-against-

MEMORANDUM & ORDER
12-CV-1896 (JS) (AYS)

DR. VINCENT GERACI and SUFFOLK COUNTY,

Defendants.

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APPEARANCES

For Plaintiff: Jeffrey Russell, pro se
1362 N. Clinton Avenue
Bay Shore, NY 11706

For Defendants: Brian C. Mitchell, Esq.
Suffolk County Dept. of Law-County Attorney
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Anne Y. Shields' Report and Recommendation dated August 18, 2016 (the "R&R"), recommending that this Court grant defendants Dr. Vincent Geraci and Suffolk County's (collectively, "Defendants") motion to dismiss this action for lack of prosecution. For the following reasons, the Court ADOPTS Judge Shields' R&R in its entirety.

BACKGROUND

On April 16, 2012, plaintiff Jeffrey Russell ("Plaintiff") commenced this action, asserting claims pursuant to 42 U.S.C. § 1983. (See Compl.) Plaintiff alleges that a physician at the Suffolk County Correctional Facility "disseminated

[Plaintiff's] sensitive confidential medical information in the presence of officers and other inmates in a blatant display of unethical unprofessional behavior" (Compl. ¶ II, and at 6.)

The procedural history of this case is set forth in detail in the R&R. (R&R, Docket Entry 43, at 1-4.) Briefly, Judge Shields' Electronic Order dated May 6, 2016, directed Plaintiff to submit a letter advising why his case should not be dismissed for failure to prosecute (the "May Order"). The May Order stated that Plaintiff's failure to comply could result in a report and recommendation recommending dismissal of Plaintiff's case. Plaintiff failed to comply with the May Order, and on May 27, 2016, Defendants filed a letter motion to dismiss for lack of prosecution. (Defs.' Mot., Docket Entry 42.) On August 18, 2016, Judge Shields issued her R&R. Judge Shields recommends that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41 in light of Plaintiff's failure to comply with numerous Court Orders and "fail[ure] to take any action on this case for over two years." (R&R at 4.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If no timely objections have been made, the "court

need only satisfy itself that there is no clear error on the face of the record.” Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Shields’ R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Shields’ R&R dated August 18, 2016, is ADOPTED in its entirety, Defendants’ motion to dismiss for lack of prosecution (Docket Entry 42) is GRANTED, and this action is DISMISSED WITH PREJUDICE pursuant to Rule 41. The Clerk of the Court is directed to mail a copy of this Memorandum and Order to the pro se Plaintiff. The Clerk of the Court is further directed to enter judgment accordingly and mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 30, 2016
Central Islip, New York